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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of: )  
Telephone Companies – Toll Carrier Obligations ) DOCKET NO. UT-991573  
 ) WAC 480-120-990  
 )

**COMMENTS OF U S WEST**

**INTRODUCTION**

On December 29, 1999, the Washington Utilities and Transportation Commission (Commission) issued a *Notice Of Opportunity To Submit Written Comments* concerning the Commission’s proposal to establish a new section, WAC 480-120-990, requiring toll carriers who offer interLATA toll calling to also provide intraLATA toll calling. Additionally, the new rule would require statewide average toll rates. U S WEST herein provides comment on the draft section.

**DRAFT LANGUAGE**

U S WEST supports the proposed new section. As this Commission is aware, U S WEST

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WAC 480-120-990  
U S WEST Comments

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2 is prohibited from offering interLATA toll calling until the company is granted Section 271  
3 relief by the Federal Communications Commission. Part (1) of the proposed rule includes  
4 language that addresses this prohibition. Part (2) requires carriers to provide for the  
5 availability of state-wide, averaged toll rates. This language is consistent with the statutory  
6 language in RCW 80.36.183. The draft language of WAC 480-120-990 is clearer and more  
7 readily understood than the wording of RCW 80.36.183, and U S WEST therefore supports  
8 the draft language.

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10 **III. PROCESS ISSUES**

11 U S WEST takes this opportunity to restate its position concerning process issues. Process  
12 issues should be negotiated between the carriers as necessary, not addressed in the  
13 administrative code. U S WEST believes that the proposed rule properly declines to  
14 specifically mandate a process for exiting a particular market. “Effectiveness and  
15 Efficiency” is the second standard for review of significant rules pursuant to the  
16 Governor’s Executive Order 97-02. By its very nature, process must be flexible to be  
17 efficient and effective. Although U S WEST negotiated a six-month transition period for  
18 its exit from areas addressed in Docket UT-990976, depending on the circumstances, a  
19 lengthy transition period may not be necessary. Therefore, a specific time period for  
20 customer notification should not be established as a requirement in the rules. Rather, the  
21 Commission should allow the companies to work through customer notification and related  
22 process issues on a case-by-case basis. According to the *List of Registered*  
23 *Telecommunications Companies Reporting to the Washington Utilities and Transportation*

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*Commission*, there were 491 carriers registered to provide long distance service as of November 1, 1999. It is more effective and efficient to allow these carriers to address process issues on an as needed basis, rather than developing an inflexible standard. It is also important to remember that a “market failure safety net” is already in place since each independent telephone company has the ability to offer its own intrastate toll service.

**IV. CONCLUSION**

U S WEST supports the Commission’s proposed language for WAC 480-120-990.